

EXHIBIT I

Gregory B. Diette, M.D., MHS
June 19, 2020

1

1 BEFORE THE ASBESTOS MDL PRE-TRIAL JUDGE
2 CAUSE NO. 2017-86022

3 CRISTINA LOPEZ and CARLOS) IN THE DISTRICT COURT
4 LOPEZ,)
5 Plaintiffs,)
6 VS.)
7 BRENNETAG NORTH AMERICA,)
8 INC. (Sued individually)
9 and as a successor)
10 in-interest to MINERAL)
11 PIGMENT SOLUTIONS, INC.)
12 and as successor-in-)
13 interest to WHITTAKER)
14 CLARK & DANIELS, INC); et)
15 al.,)
16 Defendants.) 11TH JUDICIAL DISTRICT

17 Transferred from
18 CAUSE NO: 17-12-14067-ZCV

19 CRISTINA LOPEZ and CARLOS) IN THE DISTRICT COURT
20 LOPEZ,)
21 Plaintiffs,)
22 VS.) 365TH JUDICIAL DISTRICT
23 BRENNETAG NORTH AMERICA,)
24 INC. (Sued individually)
25 and as a successor)
26 in-interest to MINERAL)
27 PIGMENT SOLUTIONS, INC.)
28 and as successor-in-)
29 interest to WHITTAKER)
30 CLARK & DANIELS, INC); et)
31 al.,)
32 Defendants.) ZAVALA COUNTY, TEXAS

Gregory B. Diette, M.D., MHS
June 19, 2020

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ORAL AND TELEPHONIC DEPOSITION OF

5

GREGORY B. DIETTE, M.D. MHS

6

JUNE 19, 2020

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REPORTED REMOTELY

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10 ORAL AND TELEPHONIC DEPOSITION OF GREGORY B.
11 DIETTE, M.D. MHS, produced as a witness at the instance
12 of the Plaintiff, and duly sworn, was taken in the
13 above-styled and numbered cause on June 19, 2020, from
14 9:02 a.m. CST to 1:26 p.m. CST, before Christy
15 Cortopassi, CSR in and for the State of Texas, reported
16 by machine shorthand, at the residence of Dr. Gregory
17 Diette, Baltimore, Maryland, pursuant to the Texas Rules
18 of Civil Procedure, the current Emergency Order
19 Regarding the COVID-19 State of Disaster and the
20 provisions stated on the record or attached hereto.

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Gregory B. Diette, M.D., MHS
June 19, 2020

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1 REMOTE APPEARANCES

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3 FOR THE PLAINTIFFS:

4 MS. LEAH C. KAGAN
5 MS. JENNIFER MONTEMAYOR
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10 FOR THE DEFENDANTS JOHNSON AND JOHNSON AND JOHNSON AND
JOHNSON CONSUMER, INC.:

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Gregory B. Diette, M.D., MHS
June 19, 2020

118

1 they're not allowed to report where there's even small
2 numbers of people because you can sort of figure out who
3 people are sometimes, especially with a rare condition
4 in a particular geographical area.

5 You are basically exposing them and --
6 so -- and the folks for her -- these subjects here that
7 agree or not agree to be part of that but it's unusual
8 and potentially unethical to do that in a medical
9 publication.

10 Q. And so it would be unethical and you would have
11 as a medical doctor some real concerns if the
12 individual, these 33 patients, if their identifies were
13 actually disclosed publically?

14 A. Well, so actually disclosed and maybe there's
15 some reason to do that but that's why we have ethics
16 boards. Right? And that's why research goes through a
17 process.

18 So I don't know of anybody who's done it
19 but you can certainly approach your ethics board and
20 say, you know, I would like to reveal the identity of
21 these people that I'm putting into a medical journal, is
22 that okay.

23 And they could say it's okay or it's not
24 okay. And if they did, there would be an informed
25 consent process. You know, not just signing a consent

Gregory B. Diette, M.D., MHS
June 19, 2020

119

1 form but with a real consent process for that. So yes,
2 this is unusual. It's not what I'm familiar with my
3 colleagues doing routinely.

4 Q. Why is that important? Why is it important to
5 go through that ethics board process and to get informed
6 consent, a real informed consent before disclosing the
7 identity of human subjects in this type of publication?

8 A. This is a medical research about a patient. We
9 have rules about how to do human subjects for certain
10 things and they're meant to protect the study subjects
11 themselves and protections are at various levels
12 depending on what the potential for harm.

13 But generally speaking, there's one of the
14 many things that goes into thinking about preparing a
15 report -- excuse me, about human subjects is whether or
16 not you're going to be revealing their identity.

17 Q. Would you have that same criticism for the
18 publication, the case areas on the 75 mesothelioma that
19 was reported on by Drs. Emory, Creedman and Maddox?

20 A. I would, yeah. And for them, too, they
21 actually use the word subjects. Right? They call them
22 subjects. Now subjects, that's a term, right? Back
23 when we were providing health care to people we call
24 them patients.

25 When we're -- I guess you are representing

Gregory B. Diette, M.D., MHS

June 19, 2020

168

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5 Plaintiff,)
6 VS.) OF HARRIS COUNTY
7)
8 BRENNETAG NORTH AMERICA,)
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34 al.,)
35)
36 Defendants.) ZAVALA COUNTY, TEXAS

37 REPORTER'S CERTIFICATION
38 DEPOSITION OF GREGORY B. DIETTE, M.D. MHS
39 JUNE 19, 2020
40 REPORTED REMOTELY

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Gregory B. Diette, M.D., MHS
June 19, 2020

169

1 I, Christy Cortopassi, Certified Shorthand Reporter
2 in and for the State of Texas, hereby certify to the
3 following:

4 That the witness, GREGORY B. DIETTE, M.D. MHS, was
5 duly sworn by the officer and that the transcript of the
6 oral deposition is a true record of the testimony given
7 by the witness;

8 That the deposition transcript was submitted on
9 _____ to the witness or to the attorney
10 for the witness for examination, signature and return to
11 me by _____;

12 That the amount of time used by each party at the
13 deposition is as follows:

14 MS. LEAH C. KAGAN.....04:04
15 MR. ERIC COOK.....00:02

16 That pursuant to information given to the
17 deposition officer at the time said testimony was taken,
18 the following includes counsel for all parties of
19 record:

20 MS. LEAH C. KAGAN and MS. JENNIFER MONTEMAYOR,
21 Attorneys for Plaintiffs
22 MR. ERIC COOK, Attorney for Defendants
JOHNSON AND JOHNSON AND JOHNSON AND JOHNSON
CONSUMER, INC.

23
24 I further certify that I am neither counsel for,
25 related to, nor employed by any of the parties or

Gregory B. Diette, M.D., MHS
June 19, 2020

170

1 attorneys in the action in which this proceeding was
2 taken, and further that I am not financially or
3 otherwise interested in the outcome of the action.

4 Further certification requirements pursuant to Rule
5 203 of TRCP will be certified to after they have
6 occurred.

7 Certified to by me this _____ of _____,
8 2020.

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13 Christy Cortopassi, Texas CSR 6222
14 Expiration Date: 10/31/2022
15 Firm Registration No. 343
16 U.S. LEGAL SUPPORT, INC.
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